

RULES OF PROCEDURE FOR PLANNING BOARDS

PLANNING BOARD, TOWN OF WOODSTOCK

Rev. from
June 2018
meeting

AUTHORITY

These rules of procedure are adopted under the authority of New Hampshire Revised Statutes Annotated (RSA) 676:1. (676:1 Method of Adopting Rules of Procedure. – Every local land use board shall adopt rules of procedure concerning the method of conducting its business. Rules of procedure shall be adopted at a regular meeting of the board and shall be placed on file with city, town, village district clerk or clerk for the county commissioners for public inspection. The rules of procedure shall include when and how an alternate may participate in meetings of the land use board.)

MEMBERS

1. The Planning Board shall consist of 7 members. The Selectmen shall designate one selectman as an ex-officio member with power to vote.
2. Selection, qualification, term, removal of members, and filling of vacancies shall conform to RSA 673.
3. Alternate members may serve on the Planning Board as authorized by RSA 673:6.
 - a. An alternate member(s) may be selected by majority vote at the regularly scheduled Planning Board meeting following the Annual Town Meeting. Term of appointment shall be for ~~one~~ (1) year **three (3) years**. The alternate member(s) may be re-appointed.
 - b. An alternate member of a local land use board may participate in meetings of the board as a nonvoting member pursuant to rules adopted under RSA 676:1.
 - c. If there are less than 7 regular members present for a meeting, the regular members may motion and vote to make the alternate member a full voting member for that meeting. The alternate member may not vote until after the motion and vote, but may always participate **is** in discussions. Any present alternate member may sit at the table and participate in meeting discussions even if not voting.
4. Each newly elected or appointed (including re-elected or re-appointed) member shall be sworn in and take an oath of office as required by RSA 42:1.
5. The Secretary shall forward to the municipal clerk for recording the appointment/election and expiration dates of the terms of each member of the Board.

OFFICERS

1. The officers of the Board shall be as follows:
 - ☐ Chairman: The Chairman shall preside over all meetings and hearings; shall prepare, with the assistance of the Secretary, an annual report; and shall perform other duties customary to the office.
 - ☐ Vice-Chairman: The Vice-Chairman shall preside in the absence of the Chairman and shall have the full powers of the Chairman on matters that come before the Board in the absence of the Chairman.
 - ☐ Secretary: The Secretary shall keep a full and accurate record of the proceedings of each meeting; record the names of the members present and prepare such correspondence and fulfill such duties as the Chairman may specify. In the Town of Woodstock, the Town Clerk issues public notices of all meetings, notifies applicants and abutters of hearings.
 - ☐ In the absence of the Secretary, the Chairman shall appoint a secretary pro tem to keep records of the meeting.
1. The officers of the Board shall be elected annually during the month of (April) by a majority vote of the Board. If requested by a majority of those present, voting shall be by written ballot.

MEETINGS

1. Regular meetings shall be held at least monthly at Woodstock Public Meeting Room 165 Lost River Rd at **6:00** PM on the 2nd Monday of each month unless otherwise posted.

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2. Special meetings may be called by the Chairman or in her/his absence, by the Vice-Chairman, or at the request of three members of the Board provided public notice and notice to each member is given at least 24 hours (**RSA 91-A: 2**) in advance of the time of such meeting. The notice shall specify the purpose of the meeting. One of the public notices may be on the Town's internet website.
 - a) Section **91-A: 2 III**. A public body may, but is not required to, allow one or more members of the body to participate in a meeting by electronic or other means of communication for the benefit of the public and the governing body, subject to the provisions of this paragraph.
 - (a) A member of the public body may participate in a meeting other than by attendance in person at the location of the meeting only when such attendance is not reasonably practical. Any reason that such attendance is not reasonably practical shall be stated in the minutes of the meeting.
 - (b) Except in an emergency, a quorum of the public body shall be physically present at the location specified in the meeting notice as the location of the meeting. For purposes of this subparagraph, an "emergency" means that immediate action is imperative and the physical presence of a quorum is not reasonably practical within the period of time requiring action. The determination that an emergency exists shall be made by the chairman or presiding officer of the public body and the facts upon which that determination is based shall be included in the minutes of the meeting.
 - (c) Each part of a meeting required to be open to the public shall be audible or otherwise discernible to the public at the location specified in the meeting notice as the location of the meeting. Each member participating electronically or otherwise must be able to simultaneously hear each other and speak to each other during the meeting, and shall be audible or otherwise discernible to the public in attendance at the meeting's location. Any member participating in such fashion shall identify the persons present in the location from which the member is participating. No meeting shall be conducted by electronic mail or any other form of communication that does not permit the public to hear, read, or otherwise discern meeting discussion contemporaneously at the meeting location specified in the meeting notice.
 - (d) Any meeting held pursuant to the terms of this paragraph shall comply with all of the requirements of this chapter relating to public meetings, and shall not circumvent the spirit and purpose of this chapter as expressed in RSA 91-A:1.
 - (e) A member participating in a meeting by the means described in this paragraph is deemed to be present at the meeting for purposes of voting. All votes taken during such a meeting shall be by roll call vote.
3. Nonpublic Sessions shall be held only in accordance with **RSA 91-A: 3**.
4. Subcommittee meetings are meetings held by less than a quorum of the board to work on a specific task reporting back to the full board at the next regular meeting. All subcommittee meetings must be posted according to the same requirements as a meeting of the full board and are open to the public.
5. Quorum: A majority of the membership of the Board shall constitute a quorum, including alternates sitting in place of regular members. If any regular Board member is absent from a meeting or hearing, or disqualifies her/himself from sitting on a particular application, ~~the Chairman~~, after a roll-call vote, **the chairman** shall designate one of the alternate members to sit in place of the absent or disqualified member. Such alternate shall have all the powers and duties of a regular member in regards to any matter under consideration on which the regular member is unable to act. The alternate should continue until the matter is completed; the regular member does not vote on that matter.
6. Disqualification: If any member finds it necessary to be disqualified from sitting on a particular case, as provided in **RSA 673:14**, s/he shall notify the Chairman as soon as possible so that an alternate may be requested to fill the place. The disqualification shall be announced by either the Chairman or the member before the discussion or the public hearing on the application begins. The member disqualified shall leave the Board table during all deliberations and the public hearing on the matter. If uncertainty arises as to whether a Board member should disqualify her/himself, on the request of that member or the request of another member of the Board, the Board shall vote on the question of whether that member should be disqualified. Such request and vote shall be made prior to or at the commencement of any required public hearing. A vote on a question of disqualification shall be

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advisory and non-binding, and may not be requested by persons other than board members. (NOTE: Except as may otherwise be provided by local ordinance.)

6. Order of Business shall be as follows:

- a) Call to order by Chairman
- b) Roll call by the Secretary
- c) Public Hearing(s)
- d) Minutes of Previous Meeting
- e) Reading of Communications directed to the Board
- f) Report of Officers and Committees
- g) Unfinished Business
- h) Public Comment
- i) New Business
- j) Other Business

7. A motion, duly seconded, shall be carried by an affirmative vote of a majority of the members present. Voting shall be by roll call which shall be recorded in the minutes. The Planning Board Chair is a voting member of the Board and casts a vote on every motion, voting last in case of a tie.

APPLICATIONS FOR SUBDIVISION AND SITE PLAN REVIEW

1. Applications for hearings before the Board shall be made on forms provided by the Board and shall be presented to the Secretary of the Board or the Board's agent who shall sign and record the date of receipt.
2. Notice shall be given as required in **RSA 676:4, 1 (d)** 10 days before a completed application is submitted to the Board.
3. Completed applications shall be accepted by majority vote of the Board and shall be scheduled for consideration within 30 days of acceptance.
4. The Board ~~shall~~ may reject ~~all~~ any applications not properly completed.

FORMS

1. All forms prescribed herein and revisions thereof shall be adopted by resolution of the Board and shall become part of these rules of procedure.

NOTICE

1. Public notice of the submission of and public hearings on each application shall be given in the local newspaper or by posting at both the Town Office Bulletin Board and the Town website not less than ten (10) days prior to the date fixed for submission and consideration of the application. In the Town of Woodstock, notices of public hearings will be given to the newspaper and posted on the Town Office Bulletin Board and on the Town's website.
(Note: RSA 676:4 requires the public notice of submission to be given by either publication or posting. The Board may do one or the other, or both so long as the rules of procedure are consistent with the subdivision and site plan review/regulations.)
2. Personal notice shall be made by certified mail to the applicant, all abutters and any professional whose seal appears on any plat not less than ten (10) days prior to the date fixed for submission of the application to the Board.
(Note: RSA 676:4 permits the planning board to combine the notice of submission with the notice of the public hearing, by stating that, if the application is accepted as complete, it will be on the agenda of each planning board meeting until a decision is made. The date of the public hearing must also be included on the notice. Otherwise, separate notices must be given to the applicant and abutters by certified mail for submission, public hearing, and each time the application is on the agenda.)
3. Surety – the Secretary will mail a reminder for a Letter of Credit or surety road/reclamation bond the month before the surety expires. This will be discussed in the meeting.

PUBLIC HEARINGS

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The conduct of public hearings shall be governed by the following rules:

1. The Chairman shall call the hearing in session, identify the applicant or agent, ~~and ask for the Secretary's report on the proposal.~~
2. The Chairperson or Secretary shall read the application and report on the manner in which public and personal notice was given.
4. Members of the Board may ask questions at any point during the presentation.
5. Any party to the matter who desires to ask a question of another party must go through the Chairman.
6. Any applicant, any abutter or any person with a direct interest in the matter may testify in person or in writing. Other persons may testify as permitted by the Board at each hearing.
7. Each person who speaks shall be required to state her/his name and address and indicate whether s/he is a party to the matter or an agent or counsel to a party to the matter.
7. The applicant or agent shall be called to present the proposal and those appearing in favor of the proposal shall be allowed to speak.
8. Those in opposition to the proposal shall be allowed to speak.
9. Those neither in favor nor in opposition may speak.
10. Other parties such as representatives of town departments and other town boards and commissions who have an interest in the proposal shall be allowed to present their comments in person or in writing.
8. The Chairman shall indicate whether the hearing is closed or adjourned pending the submission of additional material or information or the correction of noted deficiencies. In the case of an adjournment, additional notice is not required if the date, time and place of the continuation is made known at the adjournment.

DECISIONS

1. The Board shall render a written decision within 65 days of the date of acceptance of a completed application, subject to extension or waiver as provided in **RSA 676:4**.
2. The Board shall act to approve or disapprove.
3. Notice of decision will be made available for public inspection at the office of Town Clerk within 5 business days after the decision is made, as required in **RSA 676:3**. If the application is disapproved, the Board shall provide the applicant with written reason for this disapproval.

RECORDS

1. The records of the Board shall be kept by the Secretary and shall be made available for public inspection at the (office of the Town Clerk) as required by **RSA 676:3, II**
2. Minutes of the meetings including the names of Board members, persons appearing before the Board and a brief description of the subject matter shall be open to public inspection within 5 business days of the public meeting as required in **RSA 91-A:2, II**. Woodstock Planning Board also posts minutes, notices and agendas on the Town website.
3. Removal of Planning Board records from building – Other than for Board review during gravel pit inspections, planning board files are not to be removed from the building. A sign-in sheet is available for any request to review Planning Board files.

JOINT MEETINGS AND HEARINGS

1. The Planning Board may hold joint meetings and hearings with other "land use boards" including the board of adjustment, the Historic District Commission, the Building Code Board of Appeals, and the Building Inspector. Each board shall have discretion whether or not to hold such a joint meeting or hearing (**RSA 676:2**).
2. Joint business meetings with another local land use board may be held at any time when called jointly by the chairmen of the two boards.
3. A joint public hearing must be a formal public hearing when the subject matter of the hearing is within the responsibilities of the boards convened.

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4. The Planning Board chair shall chair all joint meetings and public hearings when the subject matter involves the Planning Board.
5. The rules of procedure for joint meetings and hearings, the subject matter of which involves the Planning Board, shall be the same as these rules of procedure except that the order of business shall be as follows:
 - a) Call to order by Chairman
 - b) Introduction of members of both boards by Chairman
 - c) Explanation of reason for joint meeting/hearing by Chairman
 - d) In the case of a public hearing relative to a requested permit or an application for a plat approval, or both, the applicant shall be called to present his proposal.
 - e) Adjournment
6. Each board involved in a joint public hearing makes its own decision, based on its criteria for the particular matter.

AMENDMENT

1. These rules of procedure may be amended by a majority vote of the members of the Board provided that such amendment is read at two successive meetings immediately preceding the meeting at which the vote is to be taken. The amended procedures shall be filed with the municipal clerk.

~~These Rules of Procedure were amended by the Woodstock Planning Board on June 11, 2012 with the following affirmative votes by roll call:~~

~~**Affirmative:**~~

~~Bonnie Ham _____ Jay Polimeno _____ Mike Donahue
Gil Rand _____ Jeff Ingalls _____ Anne Marie Perry~~

~~**Absent, no vote**~~

~~Scott Rice~~

~~These Rules of Procedure were reviewed by the Woodstock Planning Board on February 9, 2015 with the following affirmative votes by roll call:~~

~~**Affirmative:**~~

~~Bonnie Ham _____ Jeff Ingalls _____ Linda Hartman
Jay Polimeno _____ Pat Griffin~~

~~**Absent, no vote**~~

~~Scott Rice _____ Gil Rand~~

~~These Rules of Procedure were revised and adopted by the Woodstock Planning Board on October 17, 2016 with the following affirmative votes by roll call:~~

~~**Affirmative:**~~

~~Bonnie Ham _____ Paul Carolan
Gil Rand _____ Jeff Ingalls _____~~

~~**Absent, no vote**~~

~~Pat Griffin _____ Linda Hartman _____ Scott Rice~~